

STAPLEHURST PARISH COUNCIL

MINUTES OF MEETING

11TH DECEMBER 2023

As both Cllrs Riordan and Perry were absent, a Chairman of the meeting was required. Cllr Arger nominated and Cllr Mclaughlin seconded Cllr Hotson to chair the meeting. Agreed unanimously.

Public Forum

Talk by Sue King – MBC Enforcement Team Leader

Sue King and Peter De Villiers spoke about enforcement.

Some of the key points were

- The absence of a planning application **does not** mean that an enforcement notice must be served.
- **Communication** and **negotiation** are paramount in any investigation.
- It is **NOT** unlawful to apply retrospectively for planning permission
- Enforcement Action is **discretionary** and not **punitive** but essentially to remedy the negative impacts of the breach and to deliver an effective planning service.
- –paragraph 59 of the NPPF sets this out.
- Development based on Section 55 of the Town and Country Planning Act 1990.

Number of objectives –

- To fully investigate breaches of planning control in line with the Local Enforcement Plan (LEP) which sets out how we prioritise breaches.
- To assess and **prioritise** complaints **according to the harm**.
- For enforcement action to be commensurate with the harm.
- To be fair, equitable, and reasonable.
- Formal action to be proportionate and in the public interest.
- Most important factors are communication and negotiation
- The biggest issue is delaying tactics

Range of enforcement tools

- Planning Contravention Notice (PCN)
- Section 330 Notice –Requisition for information
- Breach of Condition Notice (BCN)
- Temporary Stop Notice (TSN)
- Enforcement Notice (EN)

Logging enforcement complaints

logged through either the online reporting tool at:

https://self.maidstone.gov.uk/service/report_a_planning_enforcement_breach

Or email direct to the enforcement inbox at:

Signed by Chairman.....dated.....

planningenforcement@maidstone.gov.uk

Cllr Hotson thanked Sue and Peter for their presentation and took questions.

A key skill is arbitration or negotiation? – negotiation

There appears less enforcement on G&T sites in the area?

No but they use agents / lawyers with specialist knowledge and delaying tactics.

Also maybe do not care as much as a traditional house owner if they receive a fine / Notices etc

A number of large sites are in Breach of their Conditions, what happens? – 14 weeks' notice and then potential prosecution – currently working with three sites in Staplehurst focus on negotiation by the end of the growing season if not concluded, then prosecution

Previously Planning Enforcement has failed, what trust do I have it wouldn't fail again? –

Well for the first time in seven years MBC have a full team and more staff to deal with issues – we will do our best.

The Planning Enforcement presentation will be put on Parish Council website

A resident raised concerns about the A229 and lack of safe crossing for those attending church at All Saints. Requested the Council investigate a crossing / sign for All Saints Church. A letter on the same subject is to be considered later.

Borough Councillor's Report (Standing Item):

Both Cllrs Riordan and Perry were absent, but a brief note from Cllr Riordan;

The contractor for the parade brickwork has been nominated, he has provided his insurance details. He plans to start the work in the new year and will update us nearer the time in order that we can advise the public of the works.

Wishing everybody a very happy and peaceful Christmas

County Councillor's Report (Standing item):

Cllr Parfitt -Reid gave her apologies and sent an email, mostly regarding the budget setting challenges facing Kent County Council.

Draw for 3 x £100 prizes for Housing Needs Survey

The Housing Needs survey had a total of 434 responses, of which 253 entered the prize draw. Two most respected residents who have attended the most Parish Council meetings were asked to call out numbers, the random selection of numbers were;

- a) 202
- b) 44
- c) 176

Standby – in case unable to contact the above

- d) 99
- e) 73

Present: Cllrs Ash, Pett, Farragher, Eerdeken, Martin, Arger, Alesi, Castro, Mclaughlin, Hotson, Sharp, and the Clerk.

Signed by Chairman.....dated.....

1. APOLOGIES: Cllr Riordan, Perry, Mclean and Ahmed.

2. COUNCILLOR DECLARATIONS regarding items on the Agenda:

2.1. Declarations of Lobbying - NA

2.2. Changes to the Register of Interests-NA

2.3. Interests in Items on the Agenda – Cllr Ash item 4.6, Cllr Alesi item 6.2, Cllr Pett item 8.2.7

2.4. Requests for Dispensation – Cllrs Ash, Alesi and Pett requested dispensation to speak and vote on their declared items - Cllr Hotson proposed, and Cllr Arger seconded and it was agreed unanimously that Cllrs Ash, Cllr Alesi and Pett could speak and vote on their declared items

3. APPROVAL OF FULL COUNCIL MINUTES:

Pages 2165 – 2169 20th November 2023 available at [Full Council - Staplehurst Parish Council - Staplehurst Parish Council, Staplehurst, Tonbridge \(staplehurst-pc.uk\)](http://staplehurst-pc.uk) Cllr Sharp proposed and Cllr Castro seconded the minutes to be approved – agreed unanimously Duly signed by Councillor Hotson.

4. FINANCE REPORTS & PROPOSALS

4.1 Payment list

Cllr Arger proposed and Cllr McLaughlin seconded the minutes to be approved – agreed unanimously

4.2 Summation and Balance sheet - Noted

Cllr Pett raised the point about donations, which has been raised before by Cllr Martin and Cllr Eerdeken. Issue of transparency be discussed at the Finance and Strategy meeting and report back in the New Year.

4.3 Consider contract lists

Following a debate Cllr Farragher proposed and Cllr Martin seconded to approve the resolution below – agreed unanimously

Resolution: To approve the Employment, Finance and Strategy group recommendations and appoint the following contractors

Castle water – Youth Club £120 p.a.

Contrast Garden maintenance £1,200 pa – Wimpey Field

Country style Group - £832.52 p.a. wate collection

4.4 NDP consultant

Following a debate Cllr Ash proposed and Cllr Hotson seconded to approve the resolution below – agreed unanimously

Resolution; To approve

i. the appointment of Alison Yeardeley Consulting as NDP Consultant for a fee of £5,087.50 plus VAT

ii. Submit an external funding application

(Neighbourhood Plan budget code)

Signed by Chairman.....dated.....

4.5 Brick work in Parade - Noted

It was noted that this is "private land" and once again public money – not Staplehurst Parish Council's – but public money is being used to improve the Parade area.

The Parish Councils thanked Cllr Riordan – MBC member for Staplehurst - and look forward to MBC delivering the much needed work to the parade area.

Noted appointment of Graham Heasman for a fee of £16,800 plus VAT. to do the Brick wall in the Parade – funding from Sainsburys and managed by MBC

4.6 To approve the Churchyard Budget for the year 2024/25

Following a debate where two views came to the fore;

- that the Council should either agree this revised sum of £13,467 for 2024/25 and negotiate the sum for the year after
- keep the sum at £10,500 for 2024/25 and negotiate the sum for the year after

Cllr Hotson closed the meeting

A resident raised the point that the Parish Council is the Burial Authority for Staplehurst and responsible for the upkeep of the Churchyard.

Cllr Hotson re-opened the meeting

For clarification that occurs if the churchyard is closed and Cllr Sharp raised the point that this is a donation to the Church.

Cllr Eerdeken's proposed and Cllr Mclaughlin seconded to approve the resolution below – agreed majority; For 9, Against 0 and abstained 2

Resolution: To keep the sum at £10,500 for 2024/25 and negotiate on the sum the year after
(Churchyard Budget Code)

4.7 Donation to Staplehurst Scouts

Following a debate Cllr Arger proposed and Cllr Sharp seconded to approve the resolution below – agreed unanimously

Resolution: to approve the Employment, Finance and Strategy group recommendation to make a £200 donation to the Scouts from the 2023/24 donations budget.
(Donations budget code)

5 CLERKS REPORT ON OUTSTANDING MATTERS

Sainsbury Shuttle Bus – emailed Cllrs 6th December 2023 – seeking support to progress prior to formal approval from MBC / KCC – agreed to support Sainsbury's, at their risk, and asked to double check the promotional material.

Parish Notice board – we have received a grant from MBC for £525 - report to next meeting

6 PROPOSALS FOR DISCUSSION and DECISION

6.1 Standing item – 3G multi-sport pitch update report

Following a debate Cllr Eerdeken's proposed and Cllr Alesi seconded to approve the resolution below – agreed unanimously

Resolution; to;

- i. invite a representative from the Girl Guides Association onto the 3G multi-sport group
- ii. invite a representative from Headcorn FC on to the 3G multi-sport group
- iii. further explore with the potential leisure contractors to manage the site

Signed by Chairman.....dated.....

6.2 Jubilee Field management handover update report

Following a debate

- The Football Foundation Grant Terms and Conditions gives an element of security of tenure to SMFC and guaranteed usage to the Council, until April 2031
- The request for proof of payments / invoices is appropriate due diligence
- The draft Terms and Condition of the working group require between 5 and 7 Cllrs plus a Cllr substitute and a representative each from the Girl Guides, Staplehurst Monarchs FC and Staplehurst Monarchs Youth FC.

Cllr Alesi proposed and Cllr Sharp seconded to approve the resolution below – agreed unanimously

Resolution: to approve;

- That the Football Foundation Football Stadia Improvement Fund grant, £52,384 dated 8th April 2021 which would continue to 8th April 2031 and accept the reissued Terms and Conditions as shown in **Appendix B**
- Maidstone Borough Council grant conditions have been discharged
- Request copies from JFMC of the grant payments and invoices for the works (associated with the Football Foundation Football Stadia Improvement Fund grant and Maidstone Borough Council grants in 2021)
- The Employment, Finance and Strategy Group recommendation to set up a Jubilee Field Working Group, see Terms of Reference in **Appendix D**.
- That Cllrs Sharp, Riordan, Mclaughlin, Arger, Hotson, Alesi and Castro are appointed and Cllr Farragher is a substitution for the Jubilee Field Working Group.

To note the progress of the handover action plan.

6.3 Hawkenbury Bridge report

Following a debate Cllr Eerdeken proposed and Cllr Ash seconded to approve the resolution below – agreed majority unanimously

Resolution: To approve the recommendations of the Road Safety Group to;

- Lobby Kent County Council to undertake a feasibility study and report back the findings
- Seek support from Headcorn Parish Council and others to lobby Kent County Council to undertake a feasibility study and report back the findings

6.4 Scenic report - Youth Club

Then general view was that we need to get the Youth Club open as soon as possible; numbers were falling away from the excellent Youth Club group.

The Clerk advised Council that until we hear from the Insurance Company regarding the work required / completed the Council should not reopen the Youth Club.

Cllr Sharp and the Clerk have been chasing the insurance company for clarity on a way forward.

Cllr Sharp emphasised that the safety of the users is paramount.

The Clerk suggested to Council

- obtain quotes for the Fire Doors / Fire proofing of the partition wall or remove partition wall – to expediate matters

Signed by Chairman.....dated.....

- that works should be carried out by a contractor – by all means with support from volunteers
- Check the roof and patch as required
- 2 x hot water heaters for taps are not working, check that the heaters are working and a new, accessible door to Disabled Toilet so the Youth Club is better than when it was closed.

Cllr Hotson closed the meeting

A resident spoke offering support to do the work

Cllr Hoston thanked them and re-opened meeting

The Clerk had already circulated presentation on Rural England Prosperity Fund.

Following a debate Cllr Eerdeken's proposed and Cllr Ash seconded to approve the resolution below – agreed unanimously

- Resolution:** to consider the recommendations of the SCEnic group to;
- Youth Club - complete electric work, clarify with insurance company the best option for the Fire Doors and fix bulge in ceiling,
 - to agree to establish an action plan for the YC for continuing maintenance and improvement to ensure a 5-year life span of the YC, funded via CIL monies.
 - to apply for funding via the Rural England Prosperity Fund and MBC CIL application - £10k allocation.
 - Surrenden Field Pavilion - To progress preliminary research of a quality and cost effective steel-framed building and arrange a site visit with potential companies to discuss design, material type and costings options.

6.5 Speed Indicator Device guidelines

Following a debate where Cllrs Pett, Ash, Eerdeken's and Arger offered to be on a rota of volunteers to help change the batteries and relocate the SID as required, Cllr Eerdeken's proposed and Cllr Ash seconded to approve the resolution below – agreed majority unanimously.

- Resolution:** to approve the Speed Indicator Device guidelines below;
- Change battery weekly
 - Headcorn Rd facing East for 2 weeks
 - Headcorn Rd facing West for 2 weeks
 - Bathurst Rd 1 week (to coincide ideally 1 term time / 1 in holidays to compare)
 - Marden Rd facing East for 2 weeks
 - Marden Rd facing West for 2 weeks

6.6 Planning Enforcement letter

Following a debate, where it was considered that Planning Enforcement will consider the alleged breaches of planning conditions rather than the NDP policy – which could be attached as an appendix for information, Cllr Farragher proposed and Cllr Pett seconded to approve the resolution below – agreed majority; For 10, Against 1 and abstained 0.

Resolution: to approve the Planning enforcement letter as attached in the report.

7 CORRESPONDENCE & PARISH ISSUES for decision or noting:

Letter regarding crossing – discussed earlier and Road Safety Group will consider and follow up.

Signed by Chairman.....dated.....

8 PARISH COUNCIL REPORTS (from Committee/Groups/Office on specific issues or as regular update)

8.1 Chairman's Report

I have shown an independent plumbing contractor the hot water system at the Jubilee field. He will be coming back with some proposals and costs. Once agreed at Council, this can then go out for tender in order that everyone is quoting on the same specification.

We have heard back from KCC in relation to the Cranbrook Road proposals, they have suggested a meeting date in January.

Thanks to Councillors Castro and Arger for helping put the Christmas tree up and decorate it. Whilst the Christmas lights and motives are on and illuminated, unfortunately the solar powered lights for the Christmas tree at the parade or not working. These were only new last year, so the office have ordered replacement bulbs and two sets of replacement lights.

Henhurst Farm, kindly donated the Christmas tree.

With the help of the Payback team we also did a big leaf clearing exercise (with our new leaf blower) and tidy up at the parade.

I'm pleased to say that Henhurst farm also donated a Christmas tree to Sobel Lodge, which I have delivered to them. I am delighted to say that it was received most enthusiastically by many of the residents there!

Wishing everyone a very pleasant time at our Christmas get-together, I would like to take this opportunity to thank all councillors and staff for your hard work throughout the year.

Wishing everybody a very happy and peaceful Christmas

8.2 Committee and working group minutes for noting

8.2.1 Planning Committee minutes of 27th November 2023

8.2.2 Road Safety Group next meeting 4th December 2023

Cllr Sharp raised item 6, Poyntell Rd – yellow lines and item 7, Headcorn Rd – layby that a RSG would report back to Council in the New Year.

8.2.3 JFMC next meeting 7th December 2023

8.2.4 SCEnic meeting minutes 30th November 2023

8.2.5 Communications Group meeting next meeting 14th December 2023

8.2.6 3G multi-sports pitch working group minutes 21st November 2023

8.2.7 Employment, Finance and Strategy Group minutes 30th November 2023 – Cllr Pett requested that the donations should be higher as these are well received groups in our community.

All Saints PCC magazine	£150
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Community Centre for Debt Advice	£250
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Heart of Kent Hospice	£250
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K,S,S Air Ambulance Trust	£250
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Kenward Trust	£150
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An overall increase of £250

Signed by Chairman.....dated.....

The general feeling was the donations should remain as Employment, Finance and Strategy Group suggested and that groups could also apply for a grant if required.

8.2.8 NDP Review Group next meeting 24th January 2023

8.2.9 Greener Staplehurst Group meeting to be confirmed

9 REPORTS FROM LOCAL COMMUNITY GROUPS (written reports for noting) - No items

10 URGENT MATTERS

11 SPECIAL MOTION & REPORT – NA

12 Confidential

12.1 **CCTV report** – following a debate Cllr Hotson proposed and Cllr Castro seconded to approve the resolution below: - agreed unanimously

- i. to appoint Cam Tech as new CCTV contractors
- ii. new routers / world sim cards - £1,734 plus VAT
- iii. New camera at Jubilee Field £298.28
- iv. Annual service cost £2,230
- v. Conclude the arrangements with Balance Audio

Cllr Hotson thanked everyone and wished them a Happy Christmas and New Year.

These minutes are not verbatim, but an accurate reflection of decisions.

Meeting closed.....

Signed by Chairman.....dated.....